IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3709 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

DN K VALAND

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3709 of 1990

MR CL SONI for Petitioner

MR AJ DESAI AGP for Respondents

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 28/09/2001

ORAL JUDGEMENT

1. By way of this petition under Article 226 of the Constitution, the petitioner has challenged the order of

suspension dated 5.5.1990. After admitting the matter on 21.5.1990, an injunction was issued against implementation of the impugned order and the petitioner was permitted to perform his duty.

2. The learned counsel for the petitioner submitted that after resumption of duty by the petitioner as above, the petitioner has been acquitted in the criminal case filed in the Court of the Chief Metropolitan Magistrate, Ahmedabad and he was also exonerated in the departmental enquiry held against him. He, therefore, fairly conceded that the petition has become infructuous and the only procedure required to be completed is with regard to making an appropriate order in respect of regularising the service of the petitioner in respect of the period during which the impugned order of suspension operated. The learned counsel submitted that the petitioner would make appropriate representation for that purpose and the same may be decided in accordance with law by the appropriate authority within a reasonable time. Accordingly, giving liberty to the petitioner to make a representation for the decision on regularisation of the period of suspension, the petition is disposed as having become infructuous. Rule is discharged with no order as to costs.

Sd/-

28.9.2001 (D.H.Waghela, J.)

(KMG Thilake)